

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9639 of 2015

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1. The Union of India through the Secretary-cum-Director General, Department of Posts, Dak Bhawan, New Delhi.
 2. The Chief Post Master General, Bihar Circle, Patna.
 3. The Director Postal Services (HQ), Patna.
 4. Senior Superintendent of Post Offices, Gaya Division, Gaya.
 5. Senior Post Master, Gaya Head Post Office, Gaya.

.... Petitioner/s

Versus

Ajit Kumar Mishra, son of Late Prafulla Chandra Sharma, resident of village-Fatehpur Nepa, Police Station- Panchanpur, District- Gaya.

.... Respondent/s

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Appearance :

For the Petitioner : Mr. Sanjay Kumar, ASG

For the Respondents :

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

and

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 11-05-2016

The challenge in the present writ petition is to an order dated 3rd October, 2013 passed by the Central Administrative Tribunal, Patna Bench, Patna (hereinafter referred to as the ‘Tribunal’) in O.A. No. 315 of 2011, whereby an Original Application filed by the applicant, respondent herein, was allowed directing the petitioners to pay officiating allowance from 30.04.2004 till 17.02.2006 along with interest within three months.

One Gauri Shankar Prasad Ambastha, Assistant Post Master (Accounts) attained the age of superannuation on 30.04.2004. It is thereafter the applicant was asked to discharge the duties of

higher post of Assistant Post Master (Accounts) till further orders while working on the post of Postal Assistant by working overtime for three hours. The claim of the applicant is for payment of overtime allowance for the period of three years on the higher post.

The Tribunal allowed the application and directed to pay officiating allowance. Learned counsel for the petitioners contends that the applicant was not officiating on the higher post but was asked to work overtime on the higher post. Therefore, he would be entitled to overtime allowance of the higher post for the period he worked from 30.04.2004 till 17.02.2006.

In view of the said fact, we dispose off the present writ petition by modifying the order to the extent that the applicant shall be paid overtime allowance from 30.04.2004 till 17.02.2006 along with interest @ 8% per annum as is payable to the higher post of Assistant Post Master (Accounts) in terms of order dated 30.04.2004, if already not paid.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

Anjani/P. Kumar
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